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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/761,139	01/20/2004	Thomas R. Gumz	303606.3000-100	8821

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Monica Grewal, ESQ.
BOWDITCH & DEWEY, LLP
161 Worcester Road
P.O. Box 9320
Framingham, MA 01701-9320

EXAMINER

BLACKWELL, JAMES H

ART UNIT	PAPER NUMBER
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2176

DATE MAILED: 05/31/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/761,139	Applicant(s) GUMZ ET AL.	
	Examiner James H. Blackwell	Art Unit 2176	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 January 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 June 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This Office Action is in response to an original application filed 01/20/2004 with a priority date of **01/20/2004**.
2. Claims 1-20 are currently pending. Claims 1, 6, 12, 14, and 17 are independent claims.

Claim Rejections - 35 USC § 101

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claim 14 is directed to non-statutory subject matter. Specifically, the use of the term "transmission" in this context would not appear to be any of: interconnected mechanical and/or electromechanical components which cooperate to accomplish some function so as to constitute a machine; a tangible, physical article or object which enables the functionality of the instructions to be realized so as to constitute a manufacture; a series of steps or acts so as to constitute a process; nor a combination of two or more substances so as to constitute a composition of matter. Claim 14 is therefore non-statutory.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Leonard et al. (hereinafter Leonard, U.S. Patent Application Publication No. 2002/0046109 filed 07/19/2001, published 04/18/2002) in view of Welch et al. (hereinafter Welch, U.S. Patent Application Publication No. 2004/0098246 filed 11/19/2002, published 05/20/2004).

In regard to independent Claim 1, Leonard teaches *receiving said document comprising a plurality of tags, at least one of said tags being a custom tag; parsing said document to determine if certain of said plurality is said custom tag* ([0047-0048]; discloses a client searching the content of HTML documents or "pages" displayed on the client computer system and detects (parsing) special text embedded in a comment block or "data island" of the HTML "page"). Though the phrase "custom tags" as claimed, could be interpreted as referring to Leonard's comment tags embedded (customized) and distinguishable over typical HTML language comment tags in the HTML document on the client (which parses it), Welch perhaps more clearly teaches such a limitation as in Fig. 4 where a base document (HTML) is scanned for special tags.

In addition, Leonard fails to teach the limitations of *associating executable instructions with said custom tag if said custom tag is present; executing said instructions; and rendering said document on a display device*. However, Welch teaches the display of product documentation in an HTML capable browser, the parser 126 is automatically invoked to parse the base document 114 for the special tags 116 before sending the final document 108 to the user 112 to be displayed. Between each opening and closing pair of special tags 116 is a function. In one embodiment, the function is written in JavaScript. Once a pair of special tags 116 is encountered, the function contained therein is extracted and sent to a JavaScript engine for processing. The output of the JavaScript engine is used to replace both the pair of special tags 116 and the function contained therein. An XML based merge and format program or XSLT style sheets or the like can be used to merge the output with the base document 114 to produce the final document 108. Alternatively, any suitable merging program can be used to merge the output with the base document 114 (Pg. 2, Paragraph [0019]). Thus, Welch teaches locating custom tags that are associated with executable instructions, executing those instructions and displaying the result to the browser user (client). It is further noted that all of the special tags 126 are replaced *by text or functions* by the JavaScript engine from the library of files 124 using their respective associated special tags. Thus Welch also teaches that functions replacing special tags rather than just textual output can also result from the process described above.

It would have been obvious to one of ordinary skill in the art at the time of invention to combine the teachings of Leonard and Welch as both inventions relate to

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processing specialized tags on a client system. Adding the teaching of Welch provides the benefit of associating executable code with special tagging and executing that code to produce displayable output to a browser thus replacing the special tags with content or other functions.

In regard to dependent Claim 2 (and similarly Claims 7, 15, and 18), Leonard teaches that *said markup language is HTML* (e.g., [0038]; embedded special instructions in an HTML document processed by a browser extension on the client).

In regard to dependent Claim 3 (and similarly dependent Claim 13), Leonard fails to teach *the step of associating executable instructions further includes inserting said instructions into said document at a location of said custom tag*. However, Welch teaches the display of product documentation in an HTML capable browser, the parser 126 is automatically invoked to parse the base document 114 for the special tags 116 before sending the final document 108 to the user 112 to be displayed. Between each opening and closing pair of special tags 116 is a function. In one embodiment, the function is written in JavaScript. Once a pair of special tags 116 is encountered, the function contained therein is extracted and sent to a JavaScript engine for processing. The output of the JavaScript engine is used to replace both the pair of special tags 116 and the function contained therein. An XML based merge and format program or XSLT style sheets or the like can be used to merge the output with the base document 114 to produce the final document 108. Alternatively, any suitable merging program can be used to merge the output with the base document 114 (Pg. 2, Paragraph [0019]). Thus, Welch teaches locating custom tags that are associated with executable instructions,

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executing those instructions and displaying the result to the browser user (client). It is further noted that all of the special tags 126 are replaced *by text or functions* by the JavaScript engine from the library of files 124 using their respective associated special tags. Thus Welch also teaches that functions replacing special tags rather than just textual output can also result from the process described above.

It would have been obvious to one of ordinary skill in the art at the time of invention to combine the teachings of Leonard and Welch as both inventions relate to processing specialized tags on a client system. Adding the teaching of Welch provides the benefit of associating executable code with special tagging and executing that code to produce displayable output to a browser thus replacing the special tags with content or other functions.

In regard to dependent Claim 4, Leonard teaches that *said document is received over the internet* ([0035]).

In regard to dependent Claim 5 (and similarly dependent Claim 11), Leonard teaches *the step of rendering further comprises using a browser* ([0061]).

In regard to independent Claim 6 (and similarly independent Claims 12, 14, and 17), Claim 6 (and similarly Claim 12, 14, and 17) reflect the method of operating on a client computer for loading a markup language document, as claimed in Claims 1 and 3, and is rejected along the same rationale.

In regard to dependent Claim 8 (and similarly dependent Claim 19), Leonard teaches that *said receiving computer is a client computer* ([0053]).

In regard to dependent Claim 9 (and similarly dependent Claim 20), Leonard
teaches a server providing said document to said network ([0053]).

In regard to dependent Claim 10 (and similarly dependent Claim 16),
Leonard *teaches that said network is an Internet protocol (IP) network ([0024]).*

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Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to James H. Blackwell whose telephone number is 571-272-4089. The examiner can normally be reached on Mon-Fri.
7. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather R. Herndon can be reached on 571-272-4136. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.
8. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

James H. Blackwell
05/22/2006

William L. Bashore
WILLIAM BASHORE
PRIMARY EXAMINER
5/29/2006